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December 11, 2024

VIA ECF

Hon. Arun Subramanian
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

Re: *United States v. Combs*, 24-cr-542 (AS)

Dear Judge Subramanian:

The defense writes in response to the government's letter (Dkt. 106) regarding defendant Sean Combs' pending motion for a hearing, suppression, and other relief (Dkt. 97). Specifically, we write to address the government's request that "the Court order the defendant to provide unredacted copies of the *Ex Parte* Filings directly to the Filter Team," "[i]n the event the Court would like the Filter Team to address the privilege issues." (Dkt. 106 at 2). In the event the Court considers this request, the defense objects to any such disclosure of the *Ex Parte* Filings.

The government cites no authority supporting any such request, and *United States v. Ceglia*, No. 12-CR-876 VSB, 2015 WL 1499194 (S.D.N.Y. Mar. 30, 2015) did not order any such relief. There, privileged documents were shared with a Wall AUSA "[p]ursuant to an agreement between the Government and [defendant]." *Id.*, 2015 WL 1499194, at *1. And when the Wall AUSA sought disclosure of additional documents over the defendant's objections, the court denied the government's request and ordered the defendant to produce the documents directly to the court for *in camera* review. See *United States v. Ceglia*, No. 12-CR-876 VSB (S.D.N.Y.), ECF Nos. 95, 103.

Indeed, making *ex parte, in camera* submissions "is 'a practice both long-standing and routine in cases involving claims of privilege.'" *In re Grand Jury Subpoena Dated July 6, 2005*, 510 F.3d 180, 184 (2d Cir. 2007) (quoting *In re Grand Jury Subpoenas Dated Mar. 19, 2002 & Aug. 2, 2002*, 318 F.3d 379, 386 (2d Cir. 2003) (collecting cases)); see also *United States v. Muhanad Mahmoud Al-Farekh*, 956 F.3d 99, 108 (2d Cir. 2020) (describing the "well-settled notion that *ex parte, in camera* review can be an appropriate procedure for district judges to rely upon when called to handle particularly sensitive documents"); *In re Grand Jury Proc.*, No. M-11-189, 2001 WL 1167497, at *1 (S.D.N.Y. Oct. 3, 2001) (considering "*ex parte, in camera* declarations" after granting leave to file *ex parte*).

Hon. Arun Subramanian
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Respectfully Submitted,

/s/ Alexandra A.E. Shapiro
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cc: all counsel by ECF